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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,292

07/10/2003

Ari Hottinen

089229.00058

1589

32294 7590 09/13/2007
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EXAMINER

ZEWDU, MELESS NMN

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/616,292

Applicant(s)

HOTTINEN, ARI

Examiner

Meless N. Zewdu

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-65.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached detail action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Meless Zewdu
Zewdu, Meless 9/7/07

DETAILED ACTION

Response to After-final Remarks

1. This action is in response to the communication filed on 8/23/07.
2. Claims 1-65 are pending in this action.
3. This action is a courtesy response to address issues raised by applicant regarding the final rejection.
4. Following are applicant's arguments and corresponding examiner's responses.

Response to Arguments

Argument I: with regard to claims 1-60, applicant argues by saying the cited references fail to disclose or suggest at least the feature of "transmitting at least one signal to at least two different channels, each signal being suitable for channel estimation, and receiving, in a receiver, said at least one identifier signal through at least two different channels."

Response II: examiner respectfully disagrees with the argument. In that Wax et al. (US 6,249,680 B1) states, "in general, the signal signature is any location dependent feature derived from the set of direct and multi-path signals received at the antenna array of a single base station from a transmitter at a given location" (see col. 4, lines 30-33; col. 6, lines 21-49). Furthermore, Wax et al. also states that "the signature may be derived from any combination of amplitude, phase, delay, direction, and polarization information

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of the signals) (see col. 4, lines 33-35). It is to be noted that, within the context of Wax et al.'s disclosure, signals received, particularly, in different directions, or signals that are polarized can be considered as two different channels/signals since they are not identical. What is missing (or not explicitly stated) from Wax et al.'s teaching is the at least one identifier signal. This deficiency in Wax et al. is cured with the use of Iwamura et al.'s reference (US 2005/0009528 A1), which teaches about a method of assigning channel identifiers to sectors/base stations (see paragraphs 0014-0016).

Argument II: with regard to claims 1-60, applicant argues that Iwamura "does not even contemplate using the channel identifiers for location determination." Applicant concludes this argument by asserting that the two references are not combinable, since there is not motivation to do so, without the use of hindsight benefit.

Response II: examiner respectfully disagrees with the argument. (1) in Wax et al., after a signature has been determined, it is compared to a database containing similar calibrated signal signatures and their corresponding location (see for instance, col. 4, lines 50-52). One skilled in the art knows that searching a database time and power. (2) Iwamura on the other hand teaches that the use of channel identifiers can reduce time and power (see paragraphs 0003, 0014, 0027, 0041). Thus, while the references are within the same field of endeavor as required, the motivation is, as described above, to save time and power by quick and direct determination a spatial signature (thus the location of a transmitter) based on the channel identifiers.

Argument III: with regard to claims 1-60, applicant asserts that in Iwamura, groups of channel identifiers are searched rather than individual channel identifiers.

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Response III: examiner respectfully disagrees with the argument. In that the claims, particularly claims 1 and 31, call for "at least one identifier" and "at least two different channels", thus including group/s.

Applicant also attempts to argue separately with regard to claims 61-65. Examiner found the argument being similar to the argument presented above, particularly in **Argument I**. Thus, in the interest of avoiding repetition, examiner respectfully refers applicant to **Response I** above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

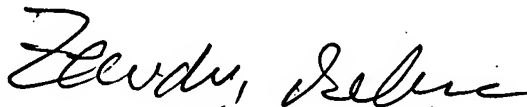
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless zewdu



Primary examiner

06 September 2007.